

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 1, 1999
SAN FRANCISCO, CALIFORNIA**

S082236 George McCall et al., Appellants

4th Dist. v.

G024030 Pacificare of California, Inc. et al., Respondents

Div. 3 Respondents' petition for review GRANTED.

The issues to be argued before this court shall be limited to whether state law claims against an HMO arising out of refusal to provide services under a Medicare-subsidized health plan fall within the exclusive review provisions of the Medicare Act requiring exhaustion of administrative remedies (42 U.S.C. § 1395 et seq.)

The request for judicial notice is denied.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

2nd Dist. James Pouba, Petitioner

B135773 v.

Div. 2 Los Angeles County Superior Court, Respondent

S083120 William Morris Agency, Inc., Real Party in Interest

Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

6th Dist. Israel Villa Salazar, Petitioner
H020621 v.
S083288 Monterey County Superior Court, Respondent
People, Real Party in Interest
Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S072524 Monique Etcheverry et al., Appellants
v.
TRI-AG Service, Inc. et al., Respondents
Respondent's request for judicial notice, filed November 18, 1999, is granted.

S072524 Monique Etcheverry et al., Appellants
v.
TRI-AG Service, Incorporated et al., Respondents
The application of Jared Goldstein to appear as pro hac vice for amicus curiae U.S. Environmental Protection Agency at oral argument is hereby granted.

S081009 Brad Foster, Appellant
v.
Energy Resources Conservation Development, Respondent
Petition for writ of review DENIED.

- S082820 Dan Caesar, Petitioner
 v.
 Sixth District Court of Appeal, Respondent
 People, Real Party in Interest
 Petition for writ of mandate DENIED.
- S082821 Jeffrey Anthony Franklin, Petitioner
 v.
 Clerk of the Supreme Court, Respondent
 Los Angeles County Superior Court et al., Real Parties in Interest
 Petition for writ of mandate DENIED.
- S082901 O.S. Williams, Jr., Petitioner
 v.
 First Appellate District Court of Appeal, Respondent
 William B. Miller et al., Real Parties in Interest
 Petition for writ of mandate DENIED.
- S083035 In re David Joseph Carpenter
 On
 Habeas Corpus
 The petition for writ of habeas corpus is denied. With the exception of claims 52, 53, 55, 56, all claims are denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770 and *In re Clark* (1993) 5 Cal.4th 750) and successive (*In re Robbins, supra*, 18 Cal.4th at p. 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 768, 782; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547).
 Claims 42, 44, 51 are denied on the ground that they could have been, but were not, raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3.) To the extent claims 43 and 46 were raised and rejected on appeal, they are barred by *In re Waltreus* (1965) 62 Cal.2d 218, 225; to the extent these claims were not raised on appeal, they are barred by *In re Dixon, supra*, 41 Cal.2d 756. All claims are barred by *In re Miller* (1941) 17 Cal.2d 734 to the extent they duplicate claims raised and rejected in petitioner's first petition for writ of habeas corpus challenging this judgment.
 With the exception of claim 54, all claims are also denied on the merits. Claim 54 is denied as premature because no execution date has been set.

- S078812 In re Alexandre Mirzayance
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.
 Mosk, J., is of the opinion an order to show cause should issue.
- S082894 In re David Dellosso Shore
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.
- 1st Dist. People, Respondent
A073598 v.
Div. 4 Kenneth R. Russo, Appellant
S082569 Appellant's petition for review DENIED.
- 1st Dist. People, Respondent
A073615 v.
A084095 David Dellosso Shore, Appellant
Div. 3 -----
S082630 In re David Dellosso Shore on Habeas Corpus
 Appellant's petition for review DENIED.
- 1st Dist. People, Respondent
A078455 v.
Div. 2 Karriem B. Shaheed, Appellant
S083126 Appellant's petition for review DENIED.
- 1st Dist. O. S. Williams, Jr., Appellant
A082230 v.
Div. 3 William B. Miller et al., Respondents
S082201 Petition for review DENIED.
- 1st Dist. People, Respondent
A082288 v.
Div. 2 Artemio Cortez-Ochoa, Appellant
S083068 Appellant's petition for review DENIED.
- 1st Dist. People, Respondent
A082537 v.
Div. 1 Dale Curtis Gaines, Appellant
S082513 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A082778 v.
Div. 5 Phillip Ramon Knox, Appellant
S082573 Appellant's petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should be granted.

1st Dist. Dennis E. Baca, Appellant
A082958 v.
Div. 1 Jeffrey Polisner et al., Respondents
S083041 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A083052 v.
Div. 2 Ramero Darnai Russell, Appellant
S083089 Respondent's petition for review DENIED.

1st Dist. People, Respondent
A083095 v.
S082612 Perro Peter Lewis, Appellant
Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

1st Dist. In re William Andeson Pone
A083237 on
A081057 Habeas Corpus
Div. 2 Respondent's petition for review DENIED.
S082278 Kennard, J., and Baxter, J., are of the opinion the petition should be granted.

1st Dist. Anthony Sacco, Appellant
A084036 v.
Div. 2 San Francisco Unified School District et al., Respondents
S082813 Respondents' petition for review DENIED.
The request for an order directing publication of the opinion is DENIED.

1st Dist. People, Respondent
A084208 v.
Div. 1 Trent Davis, Appellant
S083101 Appellant's petition for review DENIED.

1st Dist. A084209 Div. 2 S083154	People, Respondent v. Jose Alvaro Martinez, Appellant Appellant's petition for review DENIED.
1st Dist. A084256 Div. 3 S083266	People, Respondent v. Terry Lee Brewer, Appellant Appellant's petition for review DENIED.
1st Dist. A084898 Div. 3 S083117	People, Respondent v. Miguel Garza Trevino, Appellant Appellant's petition for review DENIED.
1st Dist. A085089 Div. 1 S082514	In re Dale Curtis Gaines on Habeas Corpus Petition for review DENIED.
1st Dist. A087318 A088113 Div. 3 S082926	Chase Manhattan Bank et al., Petitioners v. San Francisco County Superior Court, Respondent Adam Carroll et al., Real Parties in Interest And Companion Case Petition for review DENIED.
1st Dist. A087974 Div. 3 S083279	Aaron L'Hoir, Appellant v. City of Redwood City et al., Respondents Appellant's petition for review DENIED.
1st Dist. A088517 Div. 5 S083058	In re Gary Mosbarger on Habeas Corpus Petition for review DENIED.
1st Dist. A088945 Div. 2 S083417	Andy K. Tse, Petitioner v. San Francisco County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.

2nd Dist. Matt T. Kokonen, Appellant
B111986 v.
Div. 6 Carl J. Hagmaier et al., Respondents
S082619 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B116492 v.
Div. 4 John Lee Smith, Appellant
S082341 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B119174 v.
Div. 4 Lawrence E. White et al., Appellants
S083204 Appellants' petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B120577 v.
Div. 2 Ernest Sims, Appellant
S082984 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121181 v.
Div. 7 Mizrain Samuel Moreno, Appellant
S083203 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121957 v.
Div. 7 William Allen Marshall, Appellant
S083135 Appellant's petition for review DENIED.

2nd Dist. Charlton Noble, Appellant
B122547 v.
Div. 2 International Technology Corporation et al., Respondents
S082606 Appellant's petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should be granted.

2nd Dist. People, Respondent
B123546 v.
Div. 7 Joseph Pires, Appellant
S083057 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B123796 v.
Div. 2 Huey Pierce Givens, Appellant
S083091 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B123810 v.
Div. 2 Johndell Henderson, Appellant
S083070 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. American National Fire Insurance Company, Respondent
B124060 v.
Div. 5 Stockmar International Inc., Appellant
S083072 Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B124213 v.
Div. 3 Thomas Linarte, Appellant
S083207 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B124400 v.
Div. 5 Jorge R. Granillo, Appellant
S083158 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B124448 v.
Div. 4 Jose Flores, Appellant
S083050 Appellant's petition for review DENIED.

2nd Dist. B124724 Div. 2 S083202	People, Respondent v. Pa Theng Lav, Appellant Appellant's petition for review DENIED.
2nd Dist. B125138 Div. 2 S083193	People, Respondent v. Wayne Frederick Ruth, Appellant Appellant's petition for review DENIED.
2nd Dist. B125465 Div. 2 S083060	People, Respondent v. Simon Dovalina, Appellant Appellant's petition for review DENIED.
2nd Dist. B125829 Div. 7 S083079	People, Respondent v. Angel Resendez, Appellant Appellant's petition for review DENIED.
2nd Dist. B125987 Div. 4 S082980	People, Respondent v. Juan Martin Gonzalez, Appellant Respondent's petition for review DENIED.
2nd Dist. B126437 Div. 6 S083030	County of San Luis Obispo, Respondent v. Greenway Environmental Services Incorporated, Appellant Petition for review DENIED. The request for an order directing publication of the opinion is DENIED.
2nd Dist. B126635 Div. 2 S083183	People, Respondent v. Christopher Abbott, Appellant Appellant's petition for review DENIED.
2nd Dist. B126934 Div. 5 S082235	National Council Against Health Fraud, Inc., Appellant v. Aroma Vera Inc. et al., Respondents Petition for review DENIED.

2nd Dist. Edward Diloreto, Appellant
B127050 v.
Div. 2 Board of Education of Downey Unified School District et al.,
S082474 Respondents
Petition for review DENIED.
Kennard, J., Brown, J., are of the opinion the petition should be granted.

2nd Dist. Central Mutual Insurance Company, Appellant
B127081 v.
Div. 7 Jefferson Insurance Company of New York, Respondent
S083090 The request for transfer on the court's own motion is DENIED.

2nd Dist. People, Respondent
B127375 v.
Div. 6 Jason Thomas Wines, Appellant
S083075 Appellant's petition for review DENIED.

2nd Dist. In re Michael C., a Person Coming Under the Juvenile Court Law
B129366 -----
Div. 7 People, Respondent
S083150 v.
Michael C., Appellant
Appellant's petition for review DENIED.

2nd Dist. Rodney Paul Swanson, Petitioner
B134301 v.
Div. 5 Los Angeles County Superior Court, Respondent
S082551 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Waymon Hobdy, Petitioner
B134896 v.
Div. 4 Victor Tong et al., Real Parties in Interest
S082635 Petition for review DENIED.

2nd Dist. Globe Communications Corporation et al., Petitioners
B135139 v.
Div. 4 Los Angeles County Superior Court, Respondent
S083082 Arnold Schwarzenegger, Real Party in Interest
Application for stay and petition for review DENIED.

- 2nd Dist. Great Western Bank, Petitioner
B135872 v.
Div. 7 Los Angeles County Superior Court, Respondent
S083066 Rebecca Roque, Real Party in Interest
Petition for review DENIED.
Baxter, J., is of the opinion the petition should be granted.
- 2nd Dist. Taibout Prevoyance et al., Petitioners
B136336 v.
Div. 2 Los Angeles County Superior Court, Respondent
S083840 Pierre Chapgier et al., Real Parties in Interest
Application for stay and petition for review DENIED.
- 2nd Dist. European Benefits Administrators et al., Petitioners
B136342 v.
Div. 2 Los Angeles County Superior Court, Respondent
S083911 Pierre Chapgier et al., Real Parties in Interest
Application for stay and petition for review DENIED.
- 2nd Dist. Estate of Eva C. Athans, Petitioner
B136847 v.
Div. 1 Simke, Chodos, Silberfeld & Anteau, Inc. et al.,
S083918 Real Parties in Interest
Application for stay and petition for review DENIED.
- 3rd Dist. People, Respondent
C026681 v.
S082879 Andre James Morris, Appellant
Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
- 3rd Dist. People, Respondent
C027225 v.
S083141 Benjamin Smith, Jr., Appellant
Appellant's petition for review DENIED.
- 3rd Dist. People, Respondent
C027982 v.
S083178 Robert Charles Fitzimmons, Appellant
Appellant's petition for review DENIED.

3rd Dist. Bermasconi Commercial Real Estate et al., Appellants
C029498 v.
S082624 CB Commercial Real Estate Group et al., Respondents
Appellants' petition for review DENIED.

3rd Dist. People, Respondent
C029874 v.
S083326 Belden Wagar, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029910 v.
S082657 James Bertram Thomas, Appellant
Appellant's petition for review DENIED.

3rd Dist. California Casualty Indemnity Exchange, Appellant
C031512 v.
S083260 Nelli Mary Frerichs, Respondent
Petition for review DENIED.

3rd Dist. In re Carlos G., a Person Coming Under the Juvenile Court Law
C032139 -----
S082182 Department of Social Services

v.
John G., Appellant

Petition for review DENIED.

Kennard, J., is of the opinion the petition should be granted.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed August 12, 1999, which appears at 74 Cal.App.4th 1138. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

3rd Dist. Geary Stewart Gudis, Petitioner
C033165 v.
S082528 Workers' Compensation Appeals Board et al., Respondents
 Petition for review DENIED.

4th Dist. Mark-Alane Incorporated et al., Appellants
D027898 v.
Div. 1 City of San Diego et al., Respondents
S082824 Appellants' petition for review DENIED.
Mosk, J., is of the opinion an order to show cause should issue.

4th Dist. People, Respondent
D029146 v.
Div. 1 Alfredo Williams, Appellant
S082521 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D030441 v.
Div. 1 Michael Loura Santford, Appellant
S083093 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D030609 v.
Div. 1 Gary Charles Cooper, Appellant
S083073 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031149 v.
Div. 1 Kenneth Darrell Winders, Appellant
S082670 Appellant's petitions for review DENIED.

4th Dist. People, Respondent
D031736 v.
Div. 1 Alfred Rodney Beams, Appellant
S083201 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031769 v.
Div. 1 Daniel J. Rivas, Appellant
S083159 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031852 v.
Div. 1 Henry Zimmeth, Appellant
S083134 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D032005 v.
Div. 1 Louis Merrick, Appellant
S083111 Appellant's petition for review DENIED.

4th Dist. In re Brian Snoke
D034178 on
Div. 1 Habeas Corpus
S083156 Petition for review DENIED.

4th Dist. Peter P. Farmer et al., Petitioners
D034494 v.
Div. 1 San Diego County Superior Court, Respondent et al., Respondents
S083582 Rancho Cielo Development et al., Real Parties in Interest
Application for stay and petition for review DENIED.

4th Dist. Pueblo Las Palmas Limited et al., Appellants
E019960 v.
Div. 2 City of Cathedral City, Respondent
S082482 Appellants' petition for review DENIED.

4th Dist. Main Fiber Products Incorporated et al., Appellants
E020188 v.
E020179 Morgan & Franz Insurance Agency et al., Appellants
Div. 2 Petition for review DENIED.
S082120 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

4th Dist. Donald G. Webber, Respondent
E020383 v.
E021506 Inland Empire Investments et al., Appellants
Div. 2 And Companion Cases
S082237 Respondent's petition for review DENIED.

4th Dist. William J. Casey et al., Appellants
E021287 v.
Div. 2 Overhead Door Corporation, Respondent
S082096 Petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should
be granted.
The requests for an order directing depublication of the opinion
are DENIED.

4th Dist. People, Respondent
E022590 v.
Div. 2 Julian Samperio, Appellant
S083124 Appellant's petition for review DENIED.

4th Dist. E023004 Div. 2 S082642	People, Respondent v. Jerry Brimmer, Appellant Appellant's petition for review DENIED.
4th Dist. E024238 Div. 2 S083076	In re Eddie P., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Eddie P., Appellant Appellant's petition for review DENIED.
4th Dist. E025567 Div. 2 S082950	Marc Clayton Merolillo, Petitioner v. Riverside County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. G024467 Div. 3 S082426	Melissa Williams, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
4th Dist. G024591 Div. 3 S083123	In re Erica B. and Vianey G., Persons Coming Under the Juvenile Court Law ----- Orange County Social Services Agency, Respondent v. Maria C., Appellant Petition for review DENIED.
4th Dist. G025686 Div. 3 S082825	Thermech Engineering et al., Petitioners v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
4th Dist. G026050 Div. 3 S083036	Crow Winthrop Development et al., Petitioners v. Orange County Superior Court, Respondent Putting Courses of America Incorporated, Real Party in Interest Petition for review DENIED.

5th Dist. People, Respondent
F027838 v.
S082508 Jesse Manuel Garcia, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F027951 v.
S082492 Patrick James Shoemaker, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F028867 v.
S082599 Leonard Larry Hartwell, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029357 v.
S082476 Joseph Edward Bonner, Appellant
Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

5th Dist. People, Respondent
F030701 v.
S083067 Keith B. Cook, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030828 v.
S083151 Johnny Flotte, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Appellant
F031025 v.
S083108 Douglas Allen Trammell, Respondent
Respondent's petition for review DENIED.

6th Dist. People, Respondent
H017602 v.
S082655 Kimberly Jean Illig, Appellant
Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

6th Dist. People, Respondent
H018300 v.
S083118 Rigoberto Chavez, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H018437 v.
S083257 Richard Martinez Jackson, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H018976 v.
S083110 Jessie Fausto, Appellant
Appellant's petition for review DENIED.

6th Dist. In re Salina G., a Person Coming Under the Juvenile Court Law
H019095 -----
S082963 Monterey County Department of Social Services, Respondent
v.
Katherine A. et al., Appellants
Petition for review DENIED.

6th Dist. City of San Jose, Petitioner
H019262 v.
S082952 Santa Clara County Superior Court, Respondent
San Jose Mercury News Inc., Real Party in Interest
Real Party in Interest's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

6th Dist. In re Terrylee J., a Person Coming Under the Juvenile Court Law
H019494 -----
S082640 Santa Clara Dept. of Family and Children Services, Respondent
v.
Dawnalee J., Appellant
Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

6th Dist. In re Michael V., a Person Coming Under the Juvenile Court Law
H020263 -----
S083153 Santa Clara Co. Dept. of Family & Children's Service, Respondent
v.
Ronald S., Appellant
Appellant's petition for review DENIED.

6th Dist. Daniel Allen Phillips et al., Petitioners
H020780 v.
S083854 Santa Clara County Superior Court, Respondent
People, Real Party in Interest
Application for stay and petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

2nd Dist. Blasiar, Inc., Appellant
B124055 v.
Div. 2 Fireman's Fund Insurance Company, Respondent
S083130 On the recommendation of the Court of Appeal pursuant to
rule 978 of the California Rules of Court, the Reporter of Decisions
is directed to publish the opinion in the above-entitled appeal in the
Official Reports. (See subdivision (c) of rule 978, California Rules
of Court.)

4th Dist. Dan Pfau, Appellant
E021751 v.
Div. 2 Kim's Hapkido, Respondent
S082945 The Reporter of Decisions is directed not to publish in the
Official Appellate Reports the opinion in the above-entitled appeal,
filed August 11, 1999, which appears at 74 Cal.App.4th 58. (Cal.
Const., art. VI, section 14; rule 976, Cal. Rules of Court.)
Kennard, J., is of the view the opinion should remain published.

1st Dist. In re the Marriage of Jennifer & James De Roque
A082458 -----
Div. 4 Jennifer De Roque, Appellant
S083280 v.
James De Roque, Respondent
The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

1st Dist. In re Theodore H., a Person Coming Under the Juvenile Court Law
A083096 -----
Div. 2 Alameda County Social Services Agency, Respondent
S083293 v.
Div. 2 Deleta M., Appellant
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

1st Dist. Trevor Snowden, Appellant
A085223 v.
Div. 5 Booth Creek Ski Holdings Inc., Respondent
S082850 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Elizabeth Mack et al., Respondents
B119286 v.
Div. 5 Frances A. Moore, Appellant
S082564 Barbara A. Messina et al., Real Parties in Interest
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. People, Respondent
B122817 v.
Div. 2 Timothy Gonzales, Appellant
S082034 The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Calvin P., Petitioner
B131944 v.
Div. 2 Los Angeles County Superior Court, Respondent
S082944 Los Angeles Co. Dept. of Children & Family Services,
Real Party in Interest
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

S004703 People, Respondent
S004507 v.
Michael Anthony Cox, Appellant

In re Michael Anthony Cox on Habeas Corpus

On application of the parties and good cause appearing, it is

ordered that the time to serve and file exceptions to report of referee and simultaneous briefs on the merits is extended to and including February 4, 2000.

S011960 People, Respondent

v.

Cynthia Lynn Coffman and James Gregory Marlow, Appellants

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including January 3, 2000.

S014021 People, Respondent

v.

Dean Phillip Carter, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including December 22, 1999.

S018814 People, Respondent

v.

Ramon Bojorquez Salcido, Appellant

Based on counsel's representation that "[a] completed draft of Mr. Salcido's reply brief" will "quite likely . . . be ready for filing by the end of January" 2000, appellant's request for an extension of time in which to file the reply brief is granted to and including January 18, 2000.

S074000 In re Keith Edward Adcox

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including December 15, 1999.

S079245 People, Respondent

v.

Gary Wayne Willis, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including December 29, 1999.

9th Circ. Blue Ridge Insurance Company, Appellee

No. 98- v.

55052 Brigitte Jacobsen et al., Appellants

S083934 Any party in this proceeding may file a letter or brief in support of, or in opposition to, the request for certification submitted by the United States Court of Appeals for the Ninth Circuit by December 21, 1999, 20 days from the date of the filing of the request for certification in this court. In addition, any party may file by January 5, 2000, a reply to any letter or brief filed by any party or other individual or entity. Any other individual or entity desiring to support or oppose the request for certification must comply with the provisions of rule 14(b) of the California Rules of Court applicable to amicus curiae letters in support of, or in opposition to, a petition for review or original writ in the Supreme Court.

S012261 People, Respondent

v.

Manuel Machado Alvarez, Appellant

Good cause appearing therefor, the Attorney General's "Request for Sealed Records Pursuant to Penal Code section Section 987.9, Subdivision (d)," is granted.

The clerk is directed to provide the Attorney General with access to documents in the record on appeal created pursuant to Penal Code section 987.9, solely on the court's premises.

The Attorney General is ordered to undertake any review and reproduction of any such documents solely on the court's premises, and to supply any personnel and equipment necessary thereto, on such terms and conditions as the clerk may deem appropriate.

The Attorney General is further ordered not to use any such documents other than in Alvarez v. Calderon, United States District Court for Eastern District of California No. CIV S-97-1895 GEB JFM.

The clerk is directed to cause all documents to remain under seal except as provided herein.

S052288 People, Respondent

v.

Bernard Lee Hamilton, Appellant

Appellant's "Motion to [D]ismiss [D]eath Penalty [A]ppeal, and [t]o Relieve State Public Defender" is denied.

S078004 Pacific Gas and Electric Company, Petitioner

v.

Public Utilities Commission, Respondent

Respondent's motion to dismiss without prejudice Pacific Gas and Electric Company's petition for review is granted.

Chin, J., did not participate.

Bar In the Matter of the Application of the Committee of Bar Examiners
Misc. of the State of California for Admission of Attorneys

4186 The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S081555 In the Matter of the Suspension of Attorneys
For Nonpayment of Dues

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on September 10, 1999, effective September 27, 1999, be amended *nunc pro tunc* to strike the name of **M. Franklin Parrish II.**

S082189 In re **Franklin K.P. Moore** on Discipline

It is hereby ordered that **Franklin K.P. Moore, State Bar no. 134411**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S082191 In re **Bruce Steven Weiner** on Discipline

It is ordered that **Bruce Steven Weiner**, State Bar No. 78533, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for 18 months subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the

State Bar Court in its Order Approving Stipulation filed August 10, 1999. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is greater, unless he takes and passes the Multistate Professional Responsibility Examination on August 13, 1999, and provides proof thereof to the State Bar's Probation Unit within one year of the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2000 and 2001. (Bus. & Prof. Code section 6086.10.)

*(See Business & Professions Code, § 6126, subd. (c).)

S082192

In re **Donetia R. Meshack** on Discipline

It is ordered that **Donetia R. Meshack, State Bar no. 118044**, be suspended from the practice of law for 90 days and until she makes restitution to Jacqueline K. Murray (or the Client Security Fund, if appropriate) in the amount of \$532.39, plus 10% interest per annum from May 31, 1997, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel as recommended by the Hearing Department of the State Bar Court in its decision filed July 30, 1999; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205, Rules of Procedure of the State Bar of California. She is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If she is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955, California Rules of Court, and that he perform the acts specified in

subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S082193 In re **Lincoln N. Mintz** on Discipline

It is ordered that **Lincoln N. Mintz**, State Bar No. 37610, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 19, 1999. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is greater. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S082253 In re **Matthew Charles Long** on Discipline

It is ordered that **Matthew Charles Long**, State Bar No. 55857, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 4, 1999. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to

the State Bar and shall be added to and become part of the membership fee for the next calendar year. (Bus. & Prof. Code section 6140.7.)

S082257 In re **Mark J. Flannick** on Discipline

It is ordered that **Mark J. Flannick**, State Bar No. 169998, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 30, 1999. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is greater. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2000 and 2001. (Bus. & Prof. Code section 6086.10.)

S082259 In re **Michael Clark Mannix** on Discipline

It is hereby ordered that **Michael Clark Mannix**, State Bar No. 80365, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Costs are awarded to the State Bar.

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
JANUARY 6 and 7, 2000**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California, on January 6 and 7, 2000.

THURSDAY, JANUARY 6, 2000 – 9:00 A.M.

IN MEMORIAM - HON. RAYMOND SULLIVAN

S065485	Leone v. Medical Board of California
S061945	Potvin v. Metropolitan Life Insurance Company

1:30 P.M.

S074364	Haggis v. City of Los Angeles
S078119	Rosales v. Depuy Ace Medical Company
S024349	People v. Peter Sakarias (<i>Automatic Appeal</i>)

FRIDAY, JANUARY 7, 2000 - 9:00 A.M.

CELEBRATION OF RECORD SERVICE OF JUSTICE STANLEY MOSK

S077861	Fox v. Kramer
S068742	Paz v. State of California

1:30 P.M.

S074951	People v. Hernandez
S073196	Scheiding v. General Motors Corporation
S025880	People v. Richard Louis Arnold Phillips (<i>Automatic Appeal</i>)

GEORGE
Chief Justice

If exhibits are to be transmitted to this Court, counsel must comply with Rule 10(d), California Rules of Court.

